



MaineCare Services

An Office of the
Department of Health and Human Services

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TO: Interested Parties

FROM: Anthony Marple, Director, Office of MaineCare Services

SUBJECT: Final Rule: MaineCare Benefits Manual, Chapter II, Section 2, Adult Family Care Services

DATE: September 15, 2008

This letter gives notice of an adopted rule: The Department of Health and Human Services adopted changes to MaineCare Benefits Manual, Chapter II, Section 2, Adult Family Care Services.

The Department adopted these rules to permanently adopt emergency rules currently in place. This rule increases the limit of reimbursable beds in an Adult Family Care Home from six to eight. This rule also adds an additional type of licensure that Adult Family Care Homes may have in order to be reimbursed appropriately when the facility has more than six beds. Currently Adult Family Care Homes must be licensed as an Assisted Living Program: Level III Residential Care Facility. Those facilities with more than six beds will require licensure as an Assisted Living Program: Level IV Residential Care Facility.

Rules and related rulemaking documents may be reviewed at and printed from the Office of MaineCare Services website at http://www.maine.gov/dhhs/bms/rules/provider_rules_policies.htm or for a fee, interested parties may request a paper copy of rules by calling 207-287-9368. For those who are deaf or hard of hearing and have a TTY machine, the TTY number is 1-800-423-4331.

A concise summary of the adopted rule is provided in the [Notice of Agency Rule-making Proposal](#). This notice also provides information regarding the rule-making process.

Notice of Agency Rule-making Adoption

AGENCY: Department of Health and Human Services, Office of MaineCare Services

CHAPTER NUMBER AND TITLE: 10-144 MaineCare Benefits Manual, Chapter II, Section 2, Adult Family Care Services

ADOPTED RULE NUMBER:

CONCISE SUMMARY: The adopted rules permanently adopt emergency rules currently in place. This rule increases the limit of reimbursable beds in an Adult Family Care Home from six to eight beds. This rule also adds an additional type of licensure that Adult Family Care Homes may have in order to be reimbursed appropriately when the facility has more than six beds. Previously, Adult Family Care Homes must be licensed as an Assisted Living Program: Level III Residential Care Facility. Those facilities with more than six beds will require licensure as an Assisted Living Program: Level IV Residential Care Facility. This rule is not anticipated to have any negative economic impact on small businesses.

See http://www.maine.gov/bms/rules/provider_rules_policies.htm for rules and related rulemaking documents.

EFFECTIVE DATE: September 30, 2008

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10-144 CH. 101
MAINECARE BENEFITS MANUAL
CHAPTER II

SECTION 2	ADULT FAMILY CARE SERVICES	5/6/96 Last Updated 9/30/08
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2.01 **DEFINITIONS**

Effective
9/30/08

2.01-1 **Activities of Daily Living (ADLs)** include bed mobility, transfer, locomotion, dressing, eating, toilet use, bathing, personal hygiene, and walking.

2.01-2 **Adult Family Care Home (AFCH)** means a residential style home for eight or fewer residents, which is licensed by the Department pursuant to the Regulations Governing the Licensing and Functioning of Assisted Housing Programs: Level III Residential Care Facilities or Assisted Housing Programs: Level IV Residential Care Facilities and is primarily engaged in providing services to the elderly.

Effective
9/30/08

2.01-3 **Adult Family Care (AFC) Services** include personal care services such as: assistance with activities of daily living and instrumental activities of daily living, personal supervision, protection from environmental hazards, diversional and motivational activities, dietary services and care management, as further defined in the Regulations Governing the Licensing and Functioning of Assisted Housing Programs: Level III Residential Care Facilities or Assisted Housing Programs: Level IV Residential Care Facilities.

2.01-4 **Cueing** means any spoken instruction or physical guidance that serves as a signal to do a specified activity. Cueing is typically used when caring for individuals who are cognitively impaired.

2.01-5 **Department** means the Maine Department of Health and Human Services (DHHS).

2.01-6 **Individual Service Plan (ISP)** means a written service plan developed with a resident based upon an assessment of the resident's needs and abilities, and including (as appropriate) habilitative or rehabilitative goals and objectives, program goals and objectives, and the resources and methods necessary to implement the plan.

2.01-7 **Instrumental Activities of Daily Living (IADL)** include main meal preparation; routine housework; grocery shopping and storage of purchased groceries; and laundry either within the residence or at an outside laundry facility.

2.01-8 **MaineCare Weight** is the resource group weight applied to each resource group to calculate the resource-adjusted price for each member residing in the adult family care home.

2.01-9 **Member** is an individual who is deemed eligible for MaineCare service

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2.04 COVERED SERVICES (cont.)

member's record (See Section 2.07-2), together with recommendations of the RN concerning the health care of the member.

2. Professional Private Duty Nursing Services, as set forth in Section 96 of this Manual, may be provided to a member directly by an AFC services provider who is an RN and who is enrolled as a MaineCare provider. The member's nursing services must be authorized and signed by the member's physician every 60 days and maintained in the member's medical record in the facility. Services shall be delivered and billed in accordance with the requirements of Chapter II, Section 96.

2.04-2 Service setting

Effective
9/30/08

In order to qualify for reimbursement under this Section, AFC services must be delivered in either a Level III Residential Care Facility or Assisted Housing Program: Level IV Residential Care Facility.

2.05 LIMITATIONS

- 2.05-1 Duplication of services is not allowed. It is the responsibility of the AFC services provider to coordinate services with other "in-home" services to address the full range of a member's needs. Other MaineCare-covered services must not duplicate AFC covered services. For example, if a member receives Section 96, Private Duty Nursing and Personal Care Services; or Section 40, Home Health Services; or Section 19, Home and Community-Based Benefits for the Elderly and Adults with Disabilities, or Section 43, Hospice Services, all personal care services shall be delivered by the AFC services provider and not by a Certified Nursing Assistant (CNA), Home Health Aide (HHA), Personal Care Attendant (PCA) or Personal Support Specialist (PSS) as otherwise allowed in these Sections.
- 2.05-2 Private Duty Nursing Services and Personal Care Services are subject to financial "caps" as described in Section 96, Private Duty Nursing and Personal Care Services.) For members who receive Private Duty Nursing services, the cost of AFC services and Private Duty Nursing services combined must not exceed the member's approved Private Duty Nursing and Personal Care Services "cap." It is the responsibility of the Private Duty Nursing provider to monitor the cost of services and stay within the "cap."